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Attorneys for Defendant FACEBOOK, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANGEL FRALEY; PAUL WANG; SUSAN
MAINZER; JAMES H. DUVAL, a minor, by
and through JAMES DUVAL, as Guardian ad
Litem; and WILLIAM TAIT, a minor, by and
through RUSSELL TAIT, as guardian ad
Litem; individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

FACEBOOK, INC, a corporation; and DOES
1-100,

Defendants.

Case No. 11-CV-01726 LHK

**DECLARATION OF JEFFREY M. GUTKIN
IN SUPPORT OF FACEBOOK, INC.'S
MOTION TO DISMISS FIRST AMENDED
CLASS ACTION COMPLAINT**

Date: July 28, 2011
Time: 1:30 p.m.
Courtroom: 4
Judge: Hon. Lucy H. Koh
Trial date: None Set

1 I, Jeffrey M. Gutkin, hereby declare as follows:

2 I am an attorney licensed to practice law in the State of California, and I am admitted to
3 practice before this Court. I am a partner with the law firm of Cooley LLP, attorneys for
4 Defendant Facebook, Inc. ("Facebook"), and make this declaration in support of Facebook's
5 Motion to Dismiss the First Amended Complaint ("Motion"). Attached as Exhibit A to this
6 declaration is a true and correct copy of a recently issued order by Chief Judge James Ware in the
7 case *In re Facebook Privacy Litigation*, No. C 10-02389 JW (N.D. Cal. May 12, 2011). Because
8 Facebook's Motion cites this order (Motion at 22), which is not yet readily available via
9 electronic sources, a courtesy copy is attached for the Court's convenience.

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11 Dated: May 18, 2011

/s/ Jeffrey M. Gutkin
Jeffrey M. Gutkin

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13 Attorney for Defendant FACEBOOK, INC.

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